

REMARKS

STATUS OF CLAIMS

Claims 1, 8-11, 19, 21, 22, 28-31, 39, 41, 48-51, 59, 60, 62, and 63 have been amended.

Claims 7, 20, 27, 40, 47, and 61 have been cancelled.

Claims 64-69 have been added.

No claims have been withdrawn.

Claims 1-4, 8-19, 21-25, 28-39, 41-44, 48-60, and 62-69 are currently pending in the application.

INTERVIEW SUMMARY

The Applicant thanks the Examiner for the Interview conducted on July 19, 2005. The interview was between Examiner Abdullahi E. Salad and the applicant's attorney, Craig G. Holmes. Pending Claims 8 and 9 that were rejected in the Office Action were discussed along with U.S. Patent No. 6,650,803 issued to *Lipsit*. In particular, the discussion focused on the 103 rejections of Claims 8 and 9 with respect to the user interaction featured in the claims and the subsequent steps of causing changes to the different visual depictions based on that user interaction.

The Applicant also explained that the features of Claim 7, which the Office Action indicates would be allowable if rewritten in independent form, would be incorporated into Claim 1 in the amendment above, with similar changes to the corresponding computer-readable medium and device claims. Also, the Applicant explained that Claims 8 and 9, plus the corresponding computer-readable medium and device claims, would be rewritten in independent form.

The Examiner indicated that he would consider the arguments further with respect to Claims 8 and 9 and perhaps do another search. However, no agreement as to the allowability of Claims 8 and 9 was reached during the interview.

## SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-4, 8-11, 13, 21-25, 28-31, 33, 41-44, 48-51, 53, and 60-62 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Number 6,078,936 issued to Martin et al. (" *Martin* ") in view of U.S. Patent Number 6,650,893 issued to Lipsit (" *Lipsit* "). Claims 14-19, 34-39, and 54-59 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Martin* in view *Lipsit* and in further view of U.S. Patent Number 6,430,624 issued to Jamtgaard et al. (" *Jamtgaard* "). Claims 7, 12, 20, 27, 32, 40, 47, 52, and 63 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections are respectfully traversed.

### A. CLAIMS 1, 21, AND 41

The features of Claims 7, 27, and 47, which were identified in the Office Action as allowable subject matter and therefore merely objected to as being dependent upon a rejected base claim, have been incorporated into Claims 1, 21, and 41, respectively, with Claims 7, 27, and 47 being cancelled. Therefore, the Applicant respectfully submits that Claims 1, 21, and 41 are in condition for allowance.

### B. CLAIMS 19, 39, AND 59

The features of Claims 20 and 40, which were identified in the Office Action as allowable subject matter and therefore merely objected to as being dependent upon a rejected base claim, have been incorporated into Claims 19 and 39, respectively, with Claims 20 and 40 being cancelled. Therefore, the Applicant respectfully submits that Claims 19 and 39 are in condition for allowance.

Claim 59 has been amended to include the features of Claim 61, with Claim 61 being cancelled and Claim 62 amended to depend from Claim 59 instead of Claim 61. In addition, the features of Claim 61 as incorporated into Claim 59 are amended to include "generating a third image by combining on said first device said first image and said second image, such that said third image depicts said second device displaying the content," which is similar to the features of Claims 20 and 40 that have been incorporated into Claims 19 and 39. Finally, Claim 59 is amended to use the same terminology as in Claims 19 and 39, with similar

changes to Claims 19 and 39, resulting in Claims 19, 39, and 59 using a consistent set of terminology. Therefore, the Applicant respectfully submits that Claim 59 is allowable over the prior art of record for the same reasons as for Claims 19 and 39 and is in condition for allowance.

C. CLAIMS 8, 9, 28, 29, 48, AND 49

Method Claims 8 and 9 have been rewritten in independent form, along with the corresponding computer-readable medium Claims 28 and 29 and the corresponding device Claims 48 and 49. Claims 8 and 9 are addressed by the following remarks, which apply equally to computer-readable medium Claims 28 and 29 and device Claims 48 and 49 that include the same features.

Claim 8 features “receiving data from said first device, wherein said data is generated in response to **user interaction with said second visual depiction** of said second device; and based on said data, causing said first device to **visually emulate how said second device would operate in response to said user interaction.**” Thus, the user interacts with the second visual depiction, such as by using a mouse to click on the buttons on the displayed image of a mobile phone, and data is generated in response to that user interaction. Then based on that data, the first device visually emulates how the second device would operate in response to the user interaction, such as with a general purpose computer displaying on a display how the mobile phone would operate based on the buttons the user clicked on.

Claim 9 is similar to Claim 8 in that both involve user interaction and displaying the results of that user interaction. However, while Claim 8 features user interaction with the second visual depiction, Claim 9 features user interaction with the first visual depiction of the information to be displayed on the second device. Specifically, Claim 9 features “receiving data from said first device, wherein said data is generated in response to **user interaction with said first visual depiction of the information;** and based on said data, causing said first device to **generate a modified first visual depiction of how the information will appear when displayed on said second device,** as a result of said **user interaction.**” Thus, the user interacts with the first visual depiction, such as by using a mouse to click and drag items to reordered the information to be displayed on the mobile phone, and data is generated in response to that user interaction. Then based on that data, the first device modifies the visual depiction of the

information of how that information will appear based on the user interaction, such as with a general purpose computer displaying on a display how the reordered list of items would appear on the mobile phone.

Claims 8 and 9 are similar in that both feature user interaction with either the second or first visual depiction, respectively, and then causing a change to the second or first visual depictions, respectively, based on that user interaction. For the reasons given below, *Lipsit* fails to show any user interaction with either the image of the mobile phone (item 408 of Figure 4) or of any information to be displayed on the mobile phone. In addition, *Lipsit* only discloses a static, unchanging image of a mobile phone as item 408 of Figure 4, which is incapable of either visually emulating the mobile phone or of modifying a display of information as the information would appear on the mobile phone.

Claims 8 and 9 have been rejected as allegedly unpatentable over *Martin* in view of *Lipsit*. The Office Action states that all the features of both Claims 8 and 9 are disclosed by *Lipsit*, citing Figure 4, Col. 6, lines 13-48, and Col. 9, lines 6-19. However, a careful reading of these portions of *Lipsit* shows that there is nothing disclosed that corresponds to the features of Claims 8 and 9.

Figure 4 illustrates a user interface 400 that includes an area 404 for entering a phone type, such as the AT&T 3810 phone type depicted in Figure 4, along with an area 408 that displays a picture of the telephone selected by the user and an area 406 that displays instructions to the user for programming the selected phone type. (Figure 4; Col. 5, lines 51-53; Col. 5, lines 57-59; Col. 6, lines 30-33.) The purpose of displaying in area 408 the image of a phone of the selected phone type entered into area 404 is to allow the user programming the phone to verify that the phone type entered into area 404 matches the phone to be programmed, and if the image displayed in area 408 does not match the phone, the user can re-enter the phone type in area 404 and re-verify the phone type entry via the image of the phone shown in area 408. (Col. 6, lines 12-25.)

The purpose of displaying instructions in area 406 is to specify to the user the steps to be taken in order to program the cellular telephone. (Col. 6, lines 30-33.) For example, as illustrated in Figure 4, area 406 displays instructions to the user to “first power telephone on, then connect telephone to interface” and “enter phone number and then press program icon.” *Lipsit* describes that the user can select the phone number from a plurality of telephone

numbers provided by the local telephone company, and that those numbers can be taken by the user from either a list that is external to the computer or a list stored in the memory of the computer. (Col. 6, lines 34-48.)

As another example, area 406 can display verification instructions to the user on how to verify that the correct phone number and other parameters have been programmed into the cellular phone, such as by providing the user with a code to enter onto the physical cellular phone itself to cause the physical cellular phone to display those parameters for verification. (Col. 9, lines 6-19.)

The Office Action states in the rejection of Claim 1 that area 408 corresponds to the “second visual depiction,” yet there is nothing in *Lipsit* about the user interacting with either the image of the phone in area 408, and the Applicant is unable to identify anything else in *Lipsit* that could be taken as corresponding to the information to be displayed on the cellular telephone.

In the rejection of Claim 8, the Office Action states that *Lipsit* discloses “causing said first device to visually emulate (i.e., display) how said second device would operate in response to said user interaction,” but visually emulating the operation of the second device is more than merely “displaying” an image of a cellular phone, as in *Lipsit*. The image in area 408 of *Lipsit* displays an image of what the specified type of cellular phone looks like, but Claim 8 specifically features not just a display of the appearance of the second device, but the emulating of the operation of the second device (e.g., a mobile phone) in response to the user’s interaction with the image of the second device.

As best understood by the Applicant, the image of the phone displayed in area 408 is a static image of the phone that matches the phone type entered into area 404, and there is no provision in *Lipsit* for the user to interact with the image of the cellular phone displayed in area 408. Even if there were the potential for user interaction with area 408, there is nothing in *Lipsit* about the image displayed in area 408 would “visually emulate” how the cellular phone would operate as a result of the user interaction. Therefore, the Applicant respectfully submits that *Lipsit* fails to disclose both “user interaction with aid second visual depiction” and “causing said first device to visually emulate how said second device would operate in response to said user interaction,” as featured in Claim 8.

Furthermore, as best understood by the Applicant, area 406 is used to display instructions to the user that is programming the cellular phone, and there is no provision in *Lipsit* for the user to interact with the instructions displayed in area 406. Even if such a possibility for user interaction with area 406 was disclosed, the information displayed in area 406 is not information for display on the cellular telephone, and there is nothing in *Lipsit* about modifying such a display based on the user interaction with the display of that information. Therefore, the Applicant respectfully submits that *Lipsit* fails to disclose both “user interaction with said first visual depiction of the information” and “causing said first device to generate a modified first visual depiction of how the information will appear when displayed on said second device, as a result of said user interaction,” as featured in Claim 9.

Because *Lipsit* fails to disclose, teach, suggest, or in any way render obvious either “**user interaction with said second visual depiction** of said second device; and based on said data, causing said first device to **visually emulate how said second device would operate in response to said user interaction**” as in Claims 8, 28, and 48 or “**user interaction with said first visual depiction of the information**; and based on said data, causing said first device to generate a modified first visual depiction of **how the information will appear when displayed on said second device**, as a result of said **user interaction**” as in Claims 9, 29, and 49, the Applicant respectfully submits that, for at least the reasons stated above, Claims 8, 9, 28, 29, 38, and 39 are allowable over the art of record and is in condition for allowance.

D. CLAIMS 2-4, 8-18, 22-25, 28-38, 42-45, 48-58, 60, AND 62-69

Method Claims 64-66 that depend from Claim 19 and device Claims 67-69 that depend from Claim 39 have been added and correspond to previously submitted computer-readable medium Claims 60, 62, and 63 that depend from Claim 59. No new matter has been added.

Claims 2-4 and 8-18 are dependent upon Claim 1, Claims 64-66 are dependent upon Claim 19, Claims 22-25 and 28-38 are dependent upon Claim 21, Claims 67-69 are dependent upon Claim 39, Claims 42-45 and 48-58 are dependent upon Claim 41, and Claims 60, 62, and 63 are dependent upon Claim 59, and thus include each and every feature of the corresponding independent claims. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of most of

those limitations is not included at this time, although some are addressed below. Therefore, it is respectfully submitted that Claims 2-4, 8-18, 22-25, 28-38, 42-45, 48-58, 60, and 62-69 are allowable for the reasons given above with respect to Claims 1, 19, 21, 39, 41, and 59.

#### RESPONSE TO THE OBJECTIONS

Claims 7, 12, 20, 27, 32, 40, 47, 52, and 63 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The features of Claims 7, 27, and 47 have been incorporated into independent Claims 1, 19, and 39, with Claims 7, 27, and 47 being cancelled. The features of Claims 20 and 40 have been incorporated into independent Claims 19 and 39, with Claims 20 and 40 being cancelled. Thus, the objections to Claims 7, 20, 27, 40, and 47 are rendered moot in light of the inclusion of the features of those claims into the corresponding independent claims.

Claims 12, 32, 52, and 63 remain and depend upon independent Claims 1, 21, 41, and 59, respectively, that have been amended as addressed above, and no other changes to Claims 12, 32, 52, and 63 have been made. Therefore, the Applicant respectfully submits that Claims 12, 32, 52, and 63 remain allowable over the art of record and are in condition for allowance.

#### CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. After entry of the amendments, further examination on the merits is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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